

## **Exhibit A**

Ramon Rossi Lopez - [rlopez@lopezmchugh.com](mailto:rlopez@lopezmchugh.com)  
(California Bar Number 86361; admitted *pro hac vice*)  
Lopez McHugh LLP  
100 Bayview Circle, Suite 5600  
Newport Beach, California 92660  
949-812-5771

Mark S. O'Connor (011029) – [mark.oconnor@gknet.com](mailto:mark.oconnor@gknet.com)  
Gallagher & Kennedy, P.A.  
2575 East Camelback Road  
Phoenix, Arizona 85016-9225  
602-530-8000

*Co-Lead/Liaison Counsel for Plaintiffs*

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF ARIZONA**

IN RE: Bard IVC Filters Products  
Liability Litigation

No. 2:15-MD-02641-DGC

**STIPULATION TO AMEND CASE  
MANAGEMENT ORDER NOS. 36 AND  
38**

(Assigned to the Honorable David G.  
Campbell)

IT IS HEREBY STIPULATED AND AGREED by and between the parties through their undersigned counsel that the present schedule for the completion of discovery in *Tinlin* is not feasible, and hence, the case should be the May Bellwether Trial with the dates outlined and so ordered in CMO 38 (Doc. 12853). Additionally, the parties have agreed on the following pre-trial discovery schedule and deadlines, which amend those set forth in CMO No. 36 and subsequently in Order Extending Deadlines For Expert Disclosure and Fact Witness Deposition Deadlines Pursuant to CMO 36 (Doc. 12759):

1. Plaintiff to complete case-specific expert disclosures by November 16, 2018.
2. Parties to obtain updated medical records by November 12, 2018.
3. Treating physician and fact witnesses' depositions by December 10, 2018.
4. Defense to complete case-specific expert disclosures by December 17, 2018.
5. Case specific expert depositions by January 18, 2019.

1 The remaining deadlines set by the Court (Doc. 12853) remain as ordered and are  
2 provided here for the convenience of the Court and parties:

3 1. By **March 1, 2019**, the parties shall provide the Court with proposed  
4 changes to the questionnaire. The Court will consider these proposals in finalizing the  
5 questionnaire.

6 2. The Clerk shall mail the questionnaire to 200 jurors no later than **March 8,**  
7 **2019**. The questionnaire will instruct the prospective jurors to return it to the Court no  
8 later than **April 5, 2019**.

9 3. A thumb drive will be prepared for counsel (one for each side) containing copies  
10 of the questionnaires and will be available for pickup at the jury office on **April 12, 2019**.  
11 The thumb drive and any paper copies made by counsel must be returned to the Court by  
12 counsel on the day of jury selection.

13 4. On **April 19, 2019**, the Court will provide the parties with a list of prospective  
14 jurors the Court proposes to excuse for hardship on the basis of their responses to the first  
15 question in the questionnaire.

16 5. The Court will hold a final pretrial conference case on **April 30, 2019 at 10:00**  
17 **a.m.** At the final pretrial conference, counsel will be permitted to challenge the Court's  
18 excusal of any of the listed jurors for hardship. If counsel do not object to the Court's  
19 proposed excusal of a particular juror for hardship, that juror will be excused from further  
20 involvement in this case. After hearing counsel's objections to hardship excusals, the  
21 Court will determine which of the challenged jurors should be excused for hardship and  
22 which should appear for voir dire. In addition, counsel shall be prepared to make  
23 challenges for cause to jurors on the basis of information contained in their questionnaires.  
24 These challenges should be limited to jurors who clearly could not serve as a fair juror on  
25 the basis of their questionnaire answers. The Court will rule on these challenges at the  
26 final pretrial conference. All prospective jurors who returned questionnaires and who have  
27 not been excused for hardship or successfully challenged for cause will be candidates for  
28 *voir dire*.

6. On **May 13, 2019, at 9:00 a.m.**, 50 prospective jurors will be called to Court to appear for *voir dire*. The Court will permit counsel to ask follow-up questions of individual jurors based on information contained in the juror questionnaires. Counsel should not venture into new subjects – they should limit their follow-up questions to the items covered in the questionnaire. Following *voir dire*, the Court will hear and rule on challenges for cause.

7. The Court will seat 9 jurors. Each side will have 3 pre-emptory strikes.

8. The Court anticipates that opening statements and evidence will begin on the afternoon of **May 13, 2019**.

**B. Dispositive and *Daubert* Motions.**

Dispositive and *Daubert* motions shall be filed by **February 1, 2019**, responses by **March 1, 2019**, and replies by **March 15, 2019**.

**C. Motions *in Limine*.**

Motions *in limine*, limited to three pages each, shall be filed by **March 29, 2018**. Responses to motions in *limine*, limited to three pages each, shall be filed by **April 12, 2019**. No replies shall be filed.

**D. Deposition Designations.**

The parties shall provide deposition designations by **March 29, 2019**.

**E. Final Pretrial Order.**

The proposed final pretrial order shall be submitted by **April 12, 2019**. The Court will enter a separate order governing the materials that should be submitted with the final pretrial order.

**F. Final Pretrial Conference.**

The Court will hold a final pretrial conference on **April 30, 2019 at 10:00 a.m.**

**G. Trial Days.**

Trial will be held on **May 13-17, 20-24, and 28-31**. Plaintiff will be allotted 33 hours of trial time and Defendants will be allotted 30 hours of trial time. This schedule should allow the case to get to the jury by the morning of May 30, 2019.

RESPECTFULLY SUBMITTED this 12<sup>th</sup> day of October, 2018.

GALLAGHER & KENNEDY, P.A.

SNELL & WILMER, L.L.P.

By: /s/ Paul L. Stoller

Mark S. O'Connor (011029)  
2575 East Camelback Road  
Phoenix, Arizona 85016-9225

Ramon Rossi Lopez  
(admitted *pro hac vice*)  
CA Bar No. 86361  
LOPEZ McHUGH LLP  
100 Bayview Circle, Suite 5600  
Newport Beach, California 92660

*Co-Lead/Liaison Counsel for  
Plaintiffs*

By: /s/ Richard North with permission)

James R. Condo (005867)  
Amanda C. Sheridan (027360)  
One Arizona Center  
400 E. Van Buren Suite 1900  
Phoenix, Arizona 85004-2202

Richard B. North, Jr. (*pro hac vice*)  
Georgia Bar No. 545599  
Matthew B. Lerner (*pro hac vice*)  
Georgia Bar No. 446986  
NELSON MULLINS RILEY &  
SCARBROUGH LLP  
201 17<sup>th</sup> Street, NW / Suite 1700  
Atlanta, GA 30363

*Attorneys for C. R. Bard, Inc. and  
Bard Peripheral Vascular, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 12<sup>th</sup> day of October, 2018, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Felice Wortman